

A bill for an act relating to arts and culture; appropriating money from the arts and cultural heritage fund; establishing a Dakota and Ojibwe language revitalization and preservation volunteer working group; proposing coding for new law in Minnesota Statutes, chapter 129D; proposing coding for new law as Minnesota Statutes, chapter 129E; repealing Minnesota Statutes 2008, section 129D.17.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **ARTS AND CULTURAL HERITAGE FUND APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this act. The appropriations are from the arts and cultural heritage fund, and are available for the fiscal years indicated for allowable activities under the Minnesota Constitution, article XI, section 15. The figures "2010" and "2011" used in this act mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations for the fiscal year ending June 30, 2009, are effective the day following final enactment.

<u>APPROPRIATIONS</u>			
<u>Available for the Year</u>			
<u>Ending June 30</u>			
	<u>2010</u>		<u>2011</u>

Sec. 2. **BOARD OF THE ARTS.**

Subdivision 1. <u>Total Appropriation</u>	<u>\$</u>	<u>23,750,000</u>	<u>\$</u>	<u>23,750,000</u>
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The appropriations in this section are for arts, arts education, and arts access and to preserve

2.1 Minnesota's history and cultural heritage as
2.2 specified in the following subdivisions.

2.3 Subd. 2. **Distribution Formula**

2.4 Of these amounts:

2.5 (1) up to 78 percent of the money to support
2.6 Minnesota artists and arts organizations
2.7 in creating, producing, and presenting
2.8 high-quality arts activities; to overcome
2.9 barriers to accessing high-quality arts
2.10 activities; and to instill the arts into the
2.11 community and public life in this state;

2.12 (2) up to 15 percent of the money for
2.13 high-quality, age-appropriate arts education
2.14 for Minnesotans of all ages to develop
2.15 knowledge, skills, and understanding of the
2.16 arts;

2.17 (3) up to five percent of the money for events
2.18 and activities that represent the diverse ethnic
2.19 and cultural arts traditions, including folk
2.20 and traditional artists and art organizations,
2.21 represented in this state; and

2.22 (4) up to three percent of the money
2.23 to administer grant programs, deliver
2.24 technical services, provide fiscal oversight
2.25 for the statewide system, and to ensure
2.26 accountability for these state resources.

2.27 Thirty percent of the total appropriated to
2.28 each of the categories established in this
2.29 subdivision is for grants to the regional arts
2.30 councils. This percentage does not apply to
2.31 administrative costs.

2.32 These appropriations are added to the
2.33 agency's base budget. Any unexpended

3.1 balance under this section is available in
3.2 either year.

3.3 Subd. 3. **Reporting**

3.4 The executive director shall submit an
3.5 annual report on the expenditure and use of
3.6 money appropriated under this section to the
3.7 legislature as provided in Minnesota Statutes,
3.8 section 3.195. The first year report must be
3.9 submitted by March 1, 2010. In subsequent
3.10 years the report shall be submitted by January
3.11 15. The report must relate the expenditure
3.12 of funds by the categories established in
3.13 subdivision 2.

3.14 Subd. 4. **Appropriation Conditions**

3.15 Notwithstanding Minnesota Statutes, section
3.16 16A.28, the appropriations encumbered on or
3.17 before June 30, 2011, as grants or contracts in
3.18 this section are available until June 30, 2013.

3.19	Sec. 3. <u>MINNESOTA HISTORICAL</u>				
3.20	<u>SOCIETY</u>	<u>\$</u>	<u>12,500,000</u>	<u>\$</u>	<u>12,500,000</u>

3.21 (a) These amounts are to preserve
3.22 Minnesota's history and cultural heritage.

3.23 (b) Of these amounts:

3.24 (1) up to 45 percent each year for statewide
3.25 history programs and projects;

3.26 (2) up to 30 percent of the money for
3.27 a competitive grant program for history
3.28 programs and projects operated by or
3.29 through local, county, regional, other history
3.30 organizations, or local units of government;

3.31 (3) up to 25 percent of the money for
3.32 history programs and projects that involve

4.1 partnerships or collaboration with history or
4.2 other organizations; and
4.3 (4) up to three percent of the money to
4.4 administer grant programs, deliver technical
4.5 services, provide fiscal oversight, and ensure
4.6 accountability for these state resources. The
4.7 director may allocate administrative costs
4.8 between the programs.

4.9 These appropriations are added to the
4.10 agency's base budget. Any unexpended
4.11 balance under this section is available in
4.12 either year.

4.13 (c) The director shall submit an annual
4.14 report on the expenditure and use of money
4.15 appropriated under this section to the
4.16 legislature as provided in Minnesota Statutes,
4.17 section 3.195. The first year report must be
4.18 submitted by March 1, 2010. In subsequent
4.19 years the report shall be submitted by January
4.20 15. The report must relate the expenditure
4.21 of funds by the categories established in
4.22 paragraph (b), clauses (1) to (4).

4.23 (d) Notwithstanding Minnesota Statutes,
4.24 section 16A.28, the appropriations
4.25 encumbered on or before June 30, 2011,
4.26 as grants or contracts in this section are
4.27 available until June 30, 2013.

4.28 Sec. 4. **HUMANITIES COMMISSION** **\$** **1,500,000** **\$** **1,500,000**

4.29 (a) These amounts are to preserve
4.30 Minnesota's history and cultural heritage.
4.31 A portion of this amount is available for
4.32 organizations and programs that support
4.33 ethnic and cultural diversity in this state.

6.1 news service, amplify Minnesota culture
6.2 to a regional and national audience, and
6.3 document Minnesota's history through the
6.4 Minnesota Audio Archives.

6.5 (d) \$1,325,000 the first year and \$1,325,000
6.6 the second year are appropriated for a grant
6.7 to the Association of Minnesota Public Radio
6.8 Stations for production and acquisition grants
6.9 in accordance with Minnesota Statutes,
6.10 section 129D.19.

6.11 These appropriations are added to the
6.12 agency's base budget. Any unexpended
6.13 balance under this section is available in
6.14 either year.

6.15 (e) The commissioner shall submit an
6.16 annual report on the expenditure and use
6.17 of money appropriated under this section
6.18 to the legislature as provided in Minnesota
6.19 Statutes, sections 129D.18, subdivision 4,
6.20 and 129D.19, subdivision 4.

6.21 (f) Notwithstanding Minnesota Statutes,
6.22 section 16A.28, the appropriations
6.23 encumbered on or before June 30, 2011,
6.24 as grants or contracts in this section are
6.25 available until June 30, 2013.

6.26 Sec. 6. **EXPLORE MINNESOTA TOURISM** \$ **500,000** \$ **500,000**

6.27 (a) To the director of Explore Minnesota
6.28 Tourism for a grant to the Minnesota Film
6.29 and TV Board for grants for reimbursements
6.30 to eligible film projects that promote
6.31 Minnesota's cultural heritage. "Eligible film
6.32 project" means a film written by a resident
6.33 of Minnesota and directed or produced by a
6.34 resident of Minnesota; a film set in Minnesota

7.1 and directed or produced by a resident of
7.2 Minnesota; or a film that documents an event
7.3 or period in Minnesota history, whether a
7.4 true documentary or a fictionalized account
7.5 of the historic event, and has either a writer
7.6 or director who is a resident of Minnesota.
7.7 Eligible film projects must be filmed in
7.8 Minnesota.

7.9 (b) The director shall submit an annual
7.10 report on the expenditure and use of money
7.11 appropriated under this section to the
7.12 legislature as provided in Minnesota Statutes,
7.13 section 3.195. The first year report must be
7.14 submitted by March 1, 2010. In subsequent
7.15 years the report shall be submitted by January
7.16 15.

7.17 (c) Notwithstanding Minnesota Statutes,
7.18 section 16A.28, the appropriations
7.19 encumbered on or before June 30, 2011,
7.20 as grants or contracts in this section are
7.21 available until June 30, 2013.

7.22	<u>Sec. 7. SCIENCE MUSEUM OF</u>			
7.23	<u>MINNESOTA</u>	<u>\$</u>	<u>500,000</u>	<u>\$</u>
				<u>500,000</u>

7.24 (a) These amounts are for arts, arts education,
7.25 and arts access and to preserve Minnesota's
7.26 history and cultural heritage.

7.27 (b) The director shall submit an annual
7.28 report on the expenditure and use of money
7.29 appropriated under this section to the
7.30 legislature as provided in Minnesota Statutes,
7.31 section 3.195. The first year report must be
7.32 submitted by March 1, 2010. In subsequent
7.33 years the report shall be submitted by January
7.34 15.

8.1 (c) Notwithstanding Minnesota Statutes,
8.2 section 16A.28, the appropriations
8.3 encumbered on or before June 30, 2011,
8.4 as grants or contracts in this section are
8.5 available until June 30, 2013.

8.6	Sec. 8. <u>MINNESOTA CHILDREN'S</u>			
8.7	<u>MUSEUM</u>	\$	<u>100,000</u>	\$ <u>100,000</u>

8.8 (a) These amounts are for arts, arts education,
8.9 and arts access and to preserve Minnesota's
8.10 history and cultural heritage.

8.11 (b) The director shall submit an annual
8.12 report on the expenditure and use of money
8.13 appropriated under this section to the
8.14 legislature as provided in Minnesota Statutes,
8.15 section 3.195. The first year report must be
8.16 submitted by March 1, 2010. In subsequent
8.17 years the report shall be submitted by January
8.18 15.

8.19 (c) Notwithstanding Minnesota Statutes,
8.20 section 16A.28, the appropriations
8.21 encumbered on or before June 30, 2011,
8.22 as grants or contracts in this section are
8.23 available until June 30, 2013.

8.24	Sec. 9. DULUTH CHILDREN'S MUSEUM	\$	100,000	\$	100,000
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8.25 (a) These amounts are for arts, arts education,
8.26 and arts access and to preserve Minnesota's
8.27 history and cultural heritage.

8.28 (b) The director shall submit an annual
8.29 report on the expenditure and use of money
8.30 appropriated under this section to the
8.31 legislature as provided in Minnesota Statutes,
8.32 section 3.195. The first year report must be
8.33 submitted by March 1, 2010. In subsequent

9.1 years the report shall be submitted by January

9.2 15.

9.3 (c) Notwithstanding Minnesota Statutes,
9.4 section 16A.28, the appropriations
9.5 encumbered on or before June 30, 2011,
9.6 as grants or contracts in this section are
9.7 available until June 30, 2013.

9.8	Sec. 10. <u>INDIAN AFFAIRS COUNCIL</u>	\$	<u>500,000</u>	\$	<u>500,000</u>
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9.9 (a) These amounts are for arts, arts education,
9.10 and arts access and to preserve Minnesota's
9.11 history and cultural heritage.

9.12 (b) The director shall submit an annual
9.13 report on the expenditure and use of money
9.14 appropriated under this section to the
9.15 legislature as provided in Minnesota Statutes,
9.16 section 3.195. The first year report must be
9.17 submitted by March 1, 2010. In subsequent
9.18 years the report shall be submitted by January
9.19 15.

9.20 (c) Notwithstanding Minnesota Statutes,
9.21 section 16A.28, the appropriations
9.22 encumbered on or before June 30, 2011,
9.23 as grants or contracts in this section are
9.24 available until June 30, 2013.

9.25	Sec. 11. <u>PERPICH CENTER FOR ARTS</u>		
9.26	<u>EDUCATION</u>	\$ 400,000	\$ 1,200,000

9.27 (a) These amounts are for arts, arts education,
9.28 and arts access and to preserve Minnesota's
9.29 history and cultural heritage.

9.30 (b) The director shall submit an annual
9.31 report on the expenditure and use of money
9.32 appropriated under this section to the
9.33 legislature as provided in Minnesota Statutes,

10.1 section 3.195. The first year report must be
10.2 submitted by March 1, 2010. In subsequent
10.3 years the report shall be submitted by January
10.4 15.

10.5 (c) Notwithstanding Minnesota Statutes,
10.6 section 16A.28, the appropriations
10.7 encumbered on or before June 30, 2011,
10.8 as grants or contracts in this section are
10.9 available until June 30, 2013.

10.10	Sec. 12. <u>MINNESOTA ZOOLOGICAL</u>			
10.11	<u>GARDEN</u>	\$	<u>-0-</u> \$	<u>100,000</u>

10.12 (a) These amounts are for arts, arts education,
10.13 and arts access and to preserve Minnesota's
10.14 history and cultural heritage.

10.15 (b) The director shall submit an annual
10.16 report on the expenditure and use of money
10.17 appropriated under this section to the
10.18 legislature as provided in Minnesota Statutes,
10.19 section 3.195. The first year report must be
10.20 submitted by March 1, 2010. In subsequent
10.21 years the report shall be submitted by January
10.22 15.

10.23 (c) Notwithstanding Minnesota Statutes,
10.24 section 16A.28, the appropriations
10.25 encumbered on or before June 30, 2011,
10.26 as grants or contracts in this section are
10.27 available until June 30, 2013.

10.28 Sec. 13. [129D.18] PUBLIC TELEVISION CULTURAL AND HERITAGE
10.29 PRODUCTION AND ACQUISITION GRANTS.

10.30 Subdivision 1. Use of grant funds. Money appropriated from the Minnesota arts
10.31 and cultural heritage fund may be designated to make grants to public stations, as defined
10.32 in section 129D.12, subdivision 2. Grants received under this section must be used to
10.33 create, produce, acquire, or distribute programs that educate, enhance, or promote local,
10.34 regional, or statewide items of artistic, cultural, or historic significance. Grant funds may

be used to cover any expenses associated with the creation, production, acquisition, or distribution of public television programs through broadcast or online, including the creation and distribution of educational materials.

Subd. 2. **Administration.** Money appropriated under this section must be used by the commissioner of administration to make grants based upon the recommendations of the Minnesota Public Television Association.

Subd. 3. **Conditions.** (a) A public station receiving funds appropriated under this section must:

(1) make programs produced with these funds available for broadcast to all other public stations eligible to receive grants under this section;

(2) offer free public performance rights for public educational institutions;

(3) archive programs produced with these funds and make the programs available for future use through encore broadcast or other distribution, including online; and

(4) ensure that underwriting credit is given to the Minnesota arts and cultural heritage fund.

(b) Programs produced in partnership with other mission-centered nonprofit organizations may be used by the partnering organization for their own educational or promotional purposes.

Subd. 4. **Reporting.** A public station receiving funds appropriated under this section must report annually by January 15 to the commissioner and the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over arts and cultural heritage policy and budget regarding how the previous year's grant funds were expended. This report must contain specific information for each program produced and broadcast, including the cost of production, the number of stations broadcasting the program, estimated viewership, the number of Web site downloads, and other related measures. If the programs produced include educational material, the public station must report to the commissioner on these efforts.

Sec. 14. [129D.19] GENERAL NONCOMMERCIAL RADIO CULTURAL AND HERITAGE PRODUCTION AND ACQUISITION GRANTS.

Subdivision 1. **Use of grant funds.** Money appropriated from the Minnesota arts and cultural heritage fund may be designated to make grants to noncommercial radio stations, as defined in section 129D.14, subdivision 2. Grants received under this section must be used to create, produce, acquire, or distribute programs that educate, enhance, or promote local, regional, or statewide items of artistic, cultural, or historic significance.

12.1 Grant funds may be used to cover any expenses associated with the creation, production,
12.2 acquisition, or distribution of noncommercial radio programs through broadcast.

12.3 Subd. 2. **Administration.** Money appropriated under this section must be used by
12.4 the commissioner of administration to make grants based upon the recommendations of
12.5 the Association of Minnesota Public Educational Radio Stations.

12.6 Subd. 3. **Conditions.** (a) A noncommercial radio station receiving funds
12.7 appropriated under this section must:

12.8 (1) make programs produced with these funds available for broadcast to all other
12.9 noncommercial radio stations eligible to receive grants under this section;

12.10 (2) offer free public performance rights for public educational institutions;

12.11 (3) archive programs produced with these funds and make the programs available
12.12 for future use through encore broadcast or other distribution, including online; and

12.13 (4) ensure that underwriting credit is given to the Minnesota arts and cultural
12.14 heritage fund.

12.15 (b) Programs produced in partnership with other mission-centered nonprofit
12.16 organizations may be used by the partnering organization for their own educational or
12.17 promotional purposes.

12.18 Subd. 4. **Reporting.** A noncommercial radio station receiving funds appropriated
12.19 under this section must report annually by January 15 to the commissioner and the chairs
12.20 and ranking minority members of the senate and house of representatives committees and
12.21 divisions having jurisdiction over arts and cultural heritage policy and budget regarding
12.22 how the previous year's grant funds were expended. This report must contain specific
12.23 information for each program produced and broadcast, including the cost of production,
12.24 the number of stations broadcasting the program, estimated number of listeners, and
12.25 other related measures. If the programs produced include educational material, the
12.26 noncommercial radio station must report to the commissioner on these efforts.

12.27 Sec. 15. **[129E.01] ARTS AND CULTURAL HERITAGE FUND.**

12.28 Subdivision 1. **Fund established.** The arts and cultural heritage fund is established
12.29 in the Minnesota Constitution, article XI, section 15. All money earned by the fund must
12.30 be credited to the fund.

12.31 Subd. 2. **Appropriations.** Money in the arts and cultural heritage fund is
12.32 appropriated annually as follows:

12.33 (1) 50 percent to the executive director of the Board of the Arts for grants and
12.34 services provided in accordance with law; and

(2) at least 25 percent to the director of the Minnesota Historical Society for grants and distribution in accordance with law.

Subd. 3. **Acknowledgment.** A recipient of money from the arts and cultural heritage fund must include credit in printed materials, media releases, advertisements, and electronic, audio, or video promotional materials acknowledging that the activities and projects are the results of the legacy amendment to the Minnesota Constitution adopted by the voters on November 4, 2008.

Sec. 16. **VOLUNTEER WORKING GROUP ON DAKOTA AND OJIBWE LANGUAGE REVITALIZATION AND PRESERVATION.**

Subdivision 1. **Establishment.** A volunteer working group is established to develop a unified strategy to revitalize and preserve indigenous languages of the 11 federally recognized American Indian tribes in Minnesota. As the federal government recognized through passage of the Esther Martinez Native American Languages Preservation Act of 2006, the revitalization and preservation of American Indian languages is of vital importance to preserving the American Indian culture. There have been recent efforts in Minnesota to develop programs to teach the Dakota and Ojibwe languages to students and to create fluent speakers at both the kindergarten through grade 12 level and at the postsecondary level. The volunteer working group shall, among other duties, inventory these efforts and make recommendations regarding how to further revitalize and preserve Dakota and Ojibwe languages.

Subd. 2. **Membership.** The executive director of the Minnesota Indian Affairs Council shall invite each of the 11 federally recognized tribes under Minnesota Statutes, section 3.922, subdivision 1, clause (1), to participate by appointing one member of each tribe to the working group. Three additional members shall be appointed by the Indian Affairs Council. Two of these members must represent the American Indian population in the Minneapolis-St. Paul area and one member must represent the American Indian population in Duluth. Other working group members may include, at their discretion, the commissioner of education or the commissioner's appointee, the director of the Office of Higher Education or the director's appointee, one member of the Board of Teaching, and the director of the Minnesota Historical Society or the director's appointee. The working group may add other members as deemed appropriate by a majority vote of the existing members. The executive director of the Indian Affairs Council must convene the first meeting no later than September 1, 2009. At the first meeting, the members shall elect from amongst themselves a chair and vice chair of the working group.

14.1 Subd. 3. **Duties.** The working group must develop strategies for the 11 federally
14.2 recognized American Indian tribes and the state to work together to revitalize and preserve
14.3 the Dakota and Ojibwe languages in Minnesota. The duties of the working group include,
14.4 but are not limited to:

14.5 (1) creating an inventory of existing programs designed to preserve Dakota and
14.6 Ojibwe languages in the state, including postsecondary programs, programs in tribal
14.7 schools, and other schools throughout the state;

14.8 (2) creating an inventory of available resources for Dakota and Ojibwe language
14.9 revitalization and immersion programs, including curriculum, educational materials,
14.10 and trained teachers;

14.11 (3) identifying curriculum needs to train teachers to teach the Dakota and Ojibwe
14.12 languages in immersion programs and barriers to training teachers to teach the Dakota and
14.13 Ojibwe language;

14.14 (4) identifying classroom curriculum needs for teaching students in Dakota and
14.15 Ojibwe languages;

14.16 (5) determining how the identified curriculum needs should be met;

14.17 (6) determining if there is a need for a central repository of resources, and if there
14.18 is a need, where the repository should be located, how it should be structured, and who
14.19 should have responsibility for maintaining the repository;

14.20 (7) determining what technical assistance the state could offer to further Dakota
14.21 and Ojibwe language immersion programs;

14.22 (8) identifying private, state, and national financial resources available to further
14.23 Dakota and Ojibwe language revitalization and preservation efforts;

14.24 (9) identifying current state and federal law, rules, regulations, and policy that
14.25 should be repealed, modified, or waived, in order to further Dakota and Ojibwe language
14.26 immersion programs; and

14.27 (10) assessing the level of interest in the community for Dakota and Ojibwe
14.28 language immersion programs.

14.29 Subd. 4. **Expenses.** Members of the group are not eligible for compensation but
14.30 may receive reimbursement for their expenses as provided in Minnesota Statutes, section
14.31 15.059, subdivision 3.

14.32 Subd. 5. **Report.** The working group must report its findings and recommendations,
14.33 including draft legislation, if necessary, to the Indian Affairs Council and the chairs and
14.34 ranking minority members of the legislative committees and divisions with jurisdiction
14.35 over early childhood through grade 12 education and higher education by February 15,
14.36 2011. The committee expires on February 16, 2011.

- 15.1 Sec. 17. REPEALER.
- 15.2 Minnesota Statutes 2008, section 129D.17, is repealed.